



Kansas Corporation Commission

Bill Graves, Governor Timothy E. McKee, Chair Susan M. Seltsam, Commissioner John Wine, Commissioner
Judith McConnell, Executive Director David J. Heinemann, General Counsel

May 16, 1996

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FCC MAIL ROOM

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Gentlemen:

Enclosed for formal filing are the original and 16 copies of comments from the Kansas Corporation Commission (KCC). The comments are in response the FCC's NPRM in CC Docket No. 96-98. A copy of the comments was filed today, via facsimile, to (202) 418-2813. Also enclosed is an additional copy to be filed stamped and returned in the self-addressed stamped envelope.

Sincerely,

A handwritten signature in cursive script that reads "Julie Thomas Bowles".

Julie Thomas Bowles
Assistant General Counsel

attachment

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Julie Thomas Bowles
Assistant General Counsel

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*** TX REPORT ***

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KANSAS CORPORATION COMMISSION
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027

Legal Division

Date: **May 16, 1996**

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: **Mall Room or Secretary's Office-**
Comment filing attachedFax Number: **(202) 418-2813**From: **Julie Thomas Bowles**Phone Number: **913-271-3110**Total number of pages including this cover : **10**

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAY 17 1996

FCC MAIL ROOM

In the Matter of)

Implementation of the)
Local Competition Provisions in)
the Telecommunications Act of 1996.)
_____)

CC Docket No. 96-98

INITIAL COMMENTS OF
KANSAS CORPORATION COMMISSION

David Heinemann
General Counsel

Julie Thomas Bowles
Assistant General Counsel

1500 S.W. Arrowhead Road
Topeka, KS 66604

(913) 271-3110

May 16, 1996

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

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INITIAL COMMENTS OF
KANSAS CORPORATION COMMISSION

Pursuant to the Federal Communications Commission's (FCC) Rules of Practice and Procedure, 47 C.F.R. §§ 1.49, 1.415, and 1.419 (1995), the State Corporation Commission of the State of Kansas (KCC) respectfully files these comments addressing the Notice of Proposed Rulemaking (NPRM) released in the above-captioned proceeding April 19, 1996 [FCC 96-182]. The KCC respectfully suggests that the FCC develop uniform national interconnection arrangements and standards and develop inter-company provisioning and performance standards for use between connecting companies. In support of these suggestions, the KCC states as follows:

I. SUMMARY

A. The FCC should develop uniform national interconnection arrangements and standards and develop inter-company provisioning and performance standards for use between connecting companies.

B. Services offered for resale should be required, at a minimum, to be equal in quality, reliability and provisioning to the equivalent service offered at retail by the incumbent provider.

C. The FCC should develop uniform agreements as to customer complaint investigation activities, and uniform standards regarding the principles used by companies to manage their respective networks during periods of abnormal conditions.

II. KCC'S INTEREST

The KCC is a state governmental body engaged in the regulation of utilities in the State of Kansas. The KCC is given full power, authority and jurisdiction to supervise and control all telecommunications public utilities doing business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction. Kan. Stat. Ann. § 66-1,188 (1992).

III. DISCUSSION

A. Interconnection, Collocation, and Unbundled Elements, ¶ 50.

The KCC concurs and strongly supports the development of uniform national interconnection arrangements and standards, as discussed in Section 2, paragraph 50. In addition, the KCC recommends the establishment of inter-company provisioning and performance standards for use between connecting companies. There is a need for the end users of telecommunication services to know how long it will take to provide the requested service and to have a clear idea of the level of performance (quality) to expect, and interconnecting companies have the same, if not greater, needs.

1. Provisioning.

"Provisioning," as used herein, refers to those activities necessary to meet requests for service. It includes: engineering, purchasing, installation and operational functions which must be accomplished in order to provide needed capacity. The KCC suggests that provisioning standards be triggered upon receipt of an acknowledged bona fide request for service and that such standards be bracketed. For example:

- The provisioning of initial interconnecting services, for which advance planning information was not provided to the incumbent company X number of days from receipt of the bona fide request.
- The provisioning of initial interconnecting services, for which advance planning information was provided to the incumbent company X number of days from receipt of the bona fide request. (The KCC would expect this to be a much shorter interval because advance planning/engineering information was provided. In addition, this type of incentive may serve to foster a higher degree of cooperation between service providers.)
- The provisioning of additional (growth) interconnecting services, for which advance planning information was not provided to the incumbent company X number of days from receipt of the bona fide request.
- The provisioning of additional (growth) interconnecting services, for which advance planning information was provided to the incumbent company X number of days from receipt of the bona fide request. (As noted

above, the KCC would expect this to be a much shorter interval because advance information was provided.)

With such standards it will be the necessary to clearly define a bona fide request for service and to differentiate such a request from the more routine inquiries and operational exchanges which the KCC envisions occurring between connecting companies. The KCC expects that connecting providers would closely monitor actual provisioning intervals so as to be able, upon request, to clearly demonstrate non-discriminatory provisioning. As stated above, the KCC strongly believes that the development of uniform national interconnection arrangements/standards offers efficiencies and needed consistency.

2. Performance.

"Performance" refers to the quality and reliability of service. As used herein, it includes, at a minimum: transmission performance, blockage, and overall service reliability. The KCC suggests that interconnection performance standards be developed and monitored. Bellcore/RBOC standards now employed to engineer and monitor the public switched network (PSN) would serve as a good starting point.

As with the provisioning issues, the KCC expects that connecting providers would closely monitor actual connecting company performance, so as to be able, upon request, to clearly demonstrate non-discriminatory performance. As stated above, the KCC strongly believes that the development of uniform national Interconnection arrangements/standards offers efficiencies and needed consistency.

3. Consequences of not Having Established Rules and/or Standards, ¶ 51.

The KCC believes that, without question, the task of arbitrating stalled negotiations will be much more difficult without uniform rules and standards. In addition, such a void gives the more technically competent party (typically the incumbent) a considerable negotiating advantage. However, the KCC's concern goes further. The KCC also believes that without uniform inter-company provisioning and performance standards, investigating and resolving service complaints between companies will be much more difficult and costly.

B. Resale Services and Conditions, ¶ 174-177.

The KCC believes that services offered for resale must, at a minimum, be equal in quality, reliability and provisioning to the equivalent service offered at retail by the incumbent provider. The KCC also believes that without uniform standards, investigating and resolving service complaints will be much more difficult, costly and frustrating for customers. In addition, the incumbent should be required to track actual performance with data to be readily available, upon request, by reseller and incumbent customer base.

C. "Telecommunications Carriers" § 251(a) Duties, ¶ 245-249.

Two duties which have been omitted, or perhaps are not obvious, is that of customer complaint investigation and resolution and network management responsibilities. In the evolving competitive network where two, or more, competing service providers will be handling customer traffic, the KCC believes that uniform agreements as to customer complaint investigation activities are needed. The KCC suggests that a service provider be assigned the duty (responsibility) of

investigating, coordinating (with connecting service providers) and following up (with connecting service providers) on all service complaints originated by their customers.

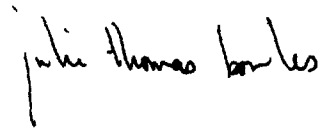
The KCC has concerns that as the PSN evolves into a network of competing networks there may be incentives for companies to manage their respective networks focused on financial considerations, ignoring service considerations. The KCC believes there should be uniformity in at least the principles used by companies to manage their respective networks during periods of abnormal conditions. Such conditions include: focused overloads (eg. as frequently caused by radio station call-in contests or catastrophic events, etc.) and significant facility and/or switching failures.

The KCC suggests that uniform network management responsibilities be promulgated which optimize the performance of the PSN, during periods of abnormal network conditions. Such responsibilities should include: open and free exchange of network operational information necessary to effectively manage the PSN, making idle network capacity quickly available to competing carriers during such conditions, control of (blocking) traffic which has a very low probability of completion as close to the point of origin as possible. Where traffic is blocked by network management controls and routed to announcements, generic wording should be used with no reference to the name of the company in whose network the abnormal condition may have occurred.

IV. CONCLUSION

For the foregoing reasons, the KCC respectfully requests that the FCC incorporate the positions outlined above in the final rule issued in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julie Thomas Bowles". The signature is written in a cursive, flowing style.

David Heinemann
General Counsel

Julie Thomas Bowles
Assistant General Counsel

Kansas Corporation Commission

1500 S.W. Arrowhead Road
Topeka, KS 66604

(913) 271-3110


May 16, 1996

VERIFICATION


STATE OF KANSAS)
) SS:
COUNTY OF SHAWNEE)

Guy McDonald, of lawful age, being first duly sworn upon oath states:

That he is a Telecommunications Analyst with the Utilities Division of the Kansas Corporation Commission, has read the above, and believes it is true and correct to the best of his information, knowledge, and belief.


Guy McDonald

Subscribed and sworn to before me this 16th day of May, 1996.


Notary Public

My Appointment expires:

